

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 02, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BILLY EDWARD TOYCEN,

Plaintiff,

v.

UNITED STATES DISTRICT COURT
and CITY OF YAKIMA MUNICIPAL
COURT,

Defendants.

No. 1:22-cv-3166-MKD

ORDER OF DISMISSAL
PURSUANT TO LCivR 41(b)(2)

On December 12, 2022, the Clerk of Court mailed Plaintiff a copy of the Order directing him to show cause why he should be allowed to proceed *in forma pauperis* in this action under 28 U.S.C. § 1915 to the residential address he had provided. *See* ECF Nos. 5, 6. This document was returned as undeliverable on December 27, 2022. *See* ECF No. 7.

Local Civil Rule 41(b)(2) requires a *pro se* litigant to keep the Court and opposing parties advised as to his current mailing address. If mail directed to a *pro se* plaintiff is returned by the Postal Service, he has sixty (60) days to notify the

1 Court and opposing parties of his current address or the Court may dismiss the
2 action. LCivR 41(b)(2).

3 The Court has an interest in managing its docket and in the prompt
4 resolution of civil matters. *See Destfino v. Reiswig*, 630 F.3d 952, 959 (9th Cir.
5 2011) (affirming district court's inherent power to control its docket); *see also*
6 *Pagtalunan v. Galaza*, 291 F.3d 639, 642-44 (9th Cir. 2002) (discussing factors to
7 consider in dismissing a claim for failure to prosecute or failure to comply with a
8 court order, including the public's interest in expeditious resolution, the court's
9 need to manage its docket, and the risk of prejudice to defendants). Plaintiff has
10 failed to keep the Court apprised of his current address.

11 Accordingly, **IT IS ORDERED:**

12 1. This action is **DISMISSED WITHOUT PREJUDICE** pursuant to
13 LCivR 41(b)(2).

14 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of
15 this Order could not be taken in good faith and would lack any arguable basis in
16 law or fact.

1 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
2 **enter judgment**, provide copies to Plaintiff at his last known address, and **CLOSE**
3 the file.

4 DATED March 2, 2023.

5 s/Mary K. Dimke
6 MARY K. DIMKE
7 UNITED STATES DISTRICT JUDGE
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